

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6465

ARTHUR WILLIAMS,

Plaintiff - Appellant,

versus

CAPTAIN GOODY, Supervisor; CORRECTIONAL OFFI-
CER BAKER, Property Officer; A. MORRIS, Ser-
geant, Property Manager,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Henry C. Morgan, Jr., District
Judge. (CA-00-756-2)

Submitted: May 17, 2001

Decided: May 29, 2001

Before WIDENER, NIEMEYER, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Arthur Williams, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Arthur Williams appeals the district court's order denying reconsideration of its order dismissing his claim filed under 42 U.S.C.A. § 1983 (West 1994 & Supp. 2000) as frivolous. A motion for reconsideration under Rule 60(b) does not bring up for review the merits of the underlying substantive judgment, nor does it toll the period for filing an appeal of the underlying judgment. See Browder v. Director, Dep't of Corrections, 434 U.S. 257, 263 n.7, 264-65, 268-69 (1978).

Because Williams did not file his Rule 60(b) motion within ten days of the district court's order dismissing his § 1983 complaint, entered on October 24, 2000, the time period for filing his appeal of that order was not tolled. See Fed. R. App. P. 4(a)(4). The time limit for filing an appeal in this case was thirty days. See Fed. R. App. P. 4(a)(1)(A). Therefore, Williams' appeal, filed on March 20, 2001, is only timely as to the district court's denial of his subsequent motion for reconsideration on March 14, 2001.* This court reviews a denial of a Rule 60(b) motion for abuse of discretion. See NOW v. Operation Rescue, 47 F.3d 667, 669 (4th Cir. 1995).

* We note that Williams' notice of appeal does not mention the underlying order, but only the court's order denying reconsideration. See Fed. R. App. P. 3(c)(1)(B).

We have reviewed the record and conclude that the district court's denial of Williams' motion for reconsideration did not constitute an abuse of discretion. Accordingly, we affirm on the reasoning of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED